




**Legislative Department
Office of City Clerk
Memorandum**

Date: May 1, 2008
To: Councilmembers
From: Laurel Humphrey for Judith E. Pippin, City Clerk 
Subject: Mayor's Return of Council Bill No. 116010, Unsigned
(relates to land use and zoning)

On April 30, 2008, Mayor Nickels returned Council Bill No. 116010 to this office without his signature of approval. This is a bill related to land use and zoning, amending sections of the SMC to change environmental review thresholds for minor new construction, etc. The Mayor did not provide a message containing his reason(s) for declining to sign the Bill.

The absence of the Mayor's signature indicates neither his approval nor disapproval of the Council Bill, as addressed in Seattle Municipal Code 1.04.020 and City Charter Article IV, Section 12.

However, a Bill returned by the Mayor unsigned is considered "approved" for purposes of the Bill becoming an Ordinance, and therefore law, within the City of Seattle.

No further action on the part of Council is required.



ORDINANCE 122670

AN ORDINANCE related to land use and zoning, amending Sections 23.41.004, 23.54.015, 23.76.012, 25.05.800, 25.05.908 and 25.08.425 of the Seattle Municipal Code (SMC) and adding a new section 23.42.044, to change environmental review thresholds for minor new construction, expressed as categorical exemptions in Seattle's SEPA ordinance, amending related Land Use Code and other provisions pertaining to design review, construction-related noise, construction worker parking, notice requirements, and correcting errors and omissions.

WHEREAS, many of the City of Seattle's environmental policies and procedures are codified in Seattle's SEPA ordinance, SMC Chapter 25.05; and

WHEREAS, SMC 25.05 is a primary basis for environmental review conducted by the City of Seattle; and

WHEREAS, the City of Seattle's thresholds for environmental review of residential and commercial development have not been reviewed for nearly 20 years; and

WHEREAS, the City of Seattle's Comprehensive Plan directs a majority of future growth to specified Urban Centers and Urban Villages as part of a regional growth management strategy; and

WHEREAS, promoting affordable housing and small business growth are priorities for the City of Seattle; and

WHEREAS, the State of Washington in RCW 43.21C.229 encourages infill residential and mixed-use growth in urban growth areas, and authorizes increases in certain SEPA thresholds for categorical exemptions in order to encourage such growth; and

WHEREAS, the City of Seattle is located in an urban growth area and the City's current density and intensity of use is lower than called for in the City's Comprehensive Plan; and

WHEREAS, the City of Seattle has implemented programs such as Design Review, and adopted other development regulations such as the Environmentally Critical Areas Ordinance, which collectively provide for protection of the natural and built environment, and mitigation of many types of environmental impacts; and

WHEREAS, the Council finds that the amendments contained in this ordinance will protect and promote the health, safety and welfare of the general public; NOW, THEREFORE,



BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.41.004 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 122054, is amended as follows:

23.41.004 Applicability.

A. Design Review Required.

1. Design review is required for any new multifamily or commercial development proposal ~~((structure))~~ that exceeds ~~((SEPA))~~ one of the following thresholds: ~~((if the structure:))~~

~~((a. — Is located in one (1) of the following zones:))~~

<u>Zone</u>	<u>Threshold</u>
((i)) <u>a. Lowrise (L3, L4)</u> ((;))	<u>8 dwelling units</u>
((ii)) <u>b. Midrise (MR)</u> ((;))	<u>20 dwelling units</u>
((iii)) <u>c. Highrise (HR)</u> ((;))	<u>20 dwelling units</u>
((iv)) <u>d. Neighborhood Commercial (NC1, 2, 3)</u> ((;))	<u>4 dwelling units or 4,000 square feet of nonresidential gross floor area</u>
<u>e. Commercial (C1, C2)</u>	<u>4 dwelling units or 12,000 square feet of nonresidential gross floor area, when located in an urban center or urban village¹, or on a lot that abuts or is across a street or alley from a lot zoned single family, or located in the area bounded by: NE 95th St, NE 145th St, 15th Ave. NE and Lake Washington.</u>
((v)) <u>f. Seattle Mixed (SM)</u> ((; or))	<u>20 units or 12,000 square feet of nonresidential gross floor area</u> ((; or))
((vi)) <u>g. Industrial Commercial (IC) zone within the South Lake Union Urban Center</u> ((; or))	<u>12,000 square feet of nonresidential gross floor area</u> ((; or))

1. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

~~((b. Is located in a Commercial (C1 or C2) zone, and:~~

~~((i.)) The proposed structure is located within an urban village area identified in the Seattle Comprehensive Plan, or~~

~~((ii.)) The site of the proposed structure abuts or is directly across a street or alley from any lot zoned single family, or~~

~~((iii.)) The proposed structure is located in the area bounded by NE 95th Street on the south, NE 145th Street on the north, 15th Ave NE on the west, and Lake Washington on the east.))~~

2. Design review is required for all new Major Institution (()) development proposals that exceed ((SEPA)) thresholds in the zones listed in subsection A1 of this section, unless the structure is located within a Major Institution Overlay (MIO) district.

3. ((Downtown d)) Design review is required for all new (()) development proposals located in the following Downtown zones and that equal or exceed any of the following thresholds:

DOC 1, DOC 2 or DMC Zones

Use	Threshold
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

DRC, DMR, DH1 or DH2

Use	Threshold
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

1
2 4. Design review is required for all new (()) development proposals exceeding
3 one hundred and twenty (120) feet in width on any single street frontage in the Stadium
4 Transition Area Overlay District as shown in Exhibit 23.41.006 A.

5 5. Administrative Design Review to Protect Trees. As provided in Sections
6 25.11.070 and 25.11.080, administrative design review (Section 23.41.016) is required for new
7 multifamily and commercial (()) development proposals in Lowrise, Midrise, and commercial
8 zones when an exceptional tree, as defined in Section 25.11.020, is located on the site, if design
9 review would not otherwise be required by this subsection A.
10

11 6. New multifamily or commercial (()) development proposals in the zones listed
12 in subsection A1 of this section, that are subject to SEPA solely as a result of the provisions of
13 Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set
14 forth in subsection A5 of this section.
15

16 B. Design Review -- Optional.

17 1. Design review is optional to any applicant for new multifamily, commercial or
18 Major Institution (()) development proposals not otherwise subject to this chapter, in the Stadium
19 Transition Area Overlay District and in all multifamily, commercial or downtown zones.
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21 2. An administrative design review process is an option to an applicant for new
22 multifamily((;)) or commercial (()) development proposals, ((if the structure would not exceed
23 SEPA thresholds)) or as provided in subsection B3 below, in the Stadium Transition Area
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1 Overlay District and in multifamily, commercial or downtown zones, according to the process
2 described in Section 23.41.016.

3 3. Administrative Design Review to Protect Trees. As provided in Sections
4 25.11.070 and 25.11.080, an administrative design review process (Section 23.41.016) is an
5 option to an applicant for new multifamily and commercial (()) development proposals in
6 Lowrise, Midrise, and Commercial zones to protect a tree over two (2) feet in diameter measured
7 four and one-half (4 1/2) feet above the ground, even when ((the project exceeds SEPA
8 thresholds but)) design review would not otherwise be required by subsection A, above.
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12 Section 2. A new Section 23.42.044 of the Seattle Municipal Code, is hereby adopted to
13 read as follows:

14 **23.42.044 Construction-Related Parking.**

15 A. When reviewing permit applications under this Code, the Director may require the
16 applicant to avoid or mitigate potential parking impacts caused by construction activity and
17 temporary construction-worker parking. Mitigation may include, but is not limited to, requiring
18 parking for construction workers to be located on the construction site.
19

20 B. Temporary parking facilities provided for construction workers are exempt from the
21 parking requirements of the underlying zone and the parking requirements of SMC 23.54.
22

23 C. Temporary parking provided for construction workers must be terminated or removed
24 when construction is completed.

25 ***

Section 3. Subsection A of section 23.54.015 of the Seattle Municipal Code, which
Section was last amended by Ordinance 122311, is amended as follows:

23.54.015 Required Parking.

A. Minimum parking requirements. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Chart A for nonresidential uses other than institutional uses, Chart B for residential uses, and Chart C for institutional uses, except as otherwise provided in this Section and Section 23.54.020. The minimum parking requirements are based upon gross floor area of a use within a structure and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Exceptions to the parking requirements set forth in this section are provided in subsection B and in Section 23.54.020, Parking quantity exceptions, unless otherwise specified. This chapter does not apply to parking for construction activity, which is regulated by SMC 23.42.044.

Section 4. Section 25.05.800 of the Seattle Municipal Code, which Section was last amended by Ordinance 119096, is amended as follows:

25.05.800 Categorical exemptions.

The proposed actions contained in this subchapter are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor New Construction -- Flexible Thresholds.

1 1. The exemptions in this subsection apply to all licenses required to undertake
2 the construction in question, except when a rezone or any license governing emissions to the air
3 or discharges to water is required. To be exempt under this section, the project must be equal to
4 or smaller than the exempt level. For a specific proposal, the exempt level in subsection A2 of
5 this section shall control. If the proposal is located in more than one (1) city/county, the lower of
6 the agencies' adopted levels shall control, regardless of which agency is the lead agency.
7

8 2. The following types of construction (~~((shall be))~~) are exempt, except when
9 undertaken wholly or partly on lands covered by water or unless undertaken in environmentally
10 critical areas (Section 25.05.908):
11

12 a. The construction or location of residential structures containing no
13 more than the number of dwelling units identified in part (i), except as modified by the
14 provisions of part (ii). (~~((of four (4) or fewer dwelling units, in all Single Family zones,
15 ~~Residential Small Lot (RSL), Lowrise Duplex/Triplex (LDT), Lowrise One (L1) and all~~
16 ~~Commercial zones; six (6) or fewer units in Lowrise Two (L2) zones; eight (8) or fewer units in~~
17 ~~Lowrise Three (L3) and Lowrise Four (L4) zones; and twenty (20) or fewer units in Midrise~~
18 ~~(MR), Highrise (HR), Seattle Cascade Mixed (SCM) and all Downtown zones;))~~)
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(i) Table

<u>ZONE</u>	<u>RESIDENTIAL USES</u>	
	<u>Number of Dwelling Units Exempt</u>	
	<u>Outside of Urban Centers</u>	<u>Within Urban Centers or SAOD</u>
<u>SF, RSL</u>	<u>4</u>	<u>4</u>
<u>LDT</u>	<u>4</u>	<u>6</u>
<u>L1</u>	<u>4</u>	<u>30</u>
<u>L2</u>	<u>6</u>	<u>30</u>
<u>L3, L4</u>	<u>8</u>	<u>30</u>
<u>NC1, NC2, NC3, C1, C2,</u>	<u>4</u>	<u>30</u>
<u>MR, HR, SM</u>	<u>20</u>	<u>30</u>
<u>Downtown zones</u>	<u>NA</u>	<u>80</u>
<u>Industrial zones</u>	<u>4</u>	<u>4</u>

Notes: SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

(ii) For lots located in an Urban Center or a SAOD, if the proposed construction or location is on a lot in an LDT, LI or L2 zone, and if the lot abuts any portion of another lot that is zoned SF or RSL, or is across an alley of any width from a lot that is zoned SF or RSL, or is across a street from a lot zoned SF or RSL where that street does not meet minimum width requirements in SMC 23.53.015A, , then the level of exempt construction is 4 dwelling units for lots in an LDT or L1 zone, and 6 dwelling units for lots in an L2 zone.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ten thousand (10,000) square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption (~~((shall))~~) does not apply to feed lots;

c. The construction of (~~((the following))~~) office, school, commercial, recreational, service or storage buildings, containing no more than the gross floor area listed in the table below:

<u>ZONE</u>	<u>NON-RESIDENTIAL USES</u>	
	<u>Exempt Area of Use</u> <u>(square feet of gross floor area)</u>	
	<u>Outside of</u> <u>Urban Centers</u>	<u>Within Urban Centers or SAOD</u>
<u>SF, RSL, LDT, L1,</u> <u>L2, L3, L4</u>	<u>4,000</u>	<u>4,000</u>
<u>MR, HR, NC1,</u> <u>NC2, NC3</u>	<u>4,000</u>	<u>12,000</u>
<u>C1, C2, SM,</u> <u>Industrial zones</u>	<u>12,000</u>	<u>12,000</u>
<u>Downtown zones</u>	<u>NA</u>	<u>12,000</u>

Notes: SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

~~((i. — In Commercial One (C1), Commercial Two (C2), Seattle Cascade Mixed (SCM), and Industrial zones, buildings with twelve thousand (12,000) square feet of gross floor area, and with associated parking facilities designed for twenty (20) automobiles;))~~

1 ((~~ii. In all other zones, buildings with four thousand (4,000)~~
2 ~~square feet of gross floor area, and with associated parking facilities designed for twenty (20)~~
3 ~~automobiles;))~~

4 d. The construction of a parking lot designed for ~~((twenty (20)))~~ forty (40)
5 or fewer automobiles, as well as the addition of ~~((twenty (20)))~~ spaces to existing lots up to a
6 total of forty (40) spaces~~((if the addition does not remove the lot from an exempt class));~~

7 e Any landfill or excavation of five hundred (500) cubic yards or less
8 throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a
9 Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder;

10 f. Mixed-use construction, including but not limited to projects combining
11 residential and commercial uses, is exempt if each use, when considered separately, is exempt
12 under the criteria of subsections A2a through A2d above, unless the uses in combination may
13 have a probable significant adverse environmental impact in the judgment of an agency with
14 jurisdiction (see Section 25.05.305 A2b);

15 g. In zones not specifically ~~((mentioned))~~ identified in this subsection,
16 ~~((the construction of residential structures of four (4) or fewer dwelling units and commercial~~
17 ~~structures of four thousand (4,000) or fewer square feet))~~ the standards for the most similar zone
18 addressed by this subsection apply.

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1 B. Other Minor New Construction. The following types of construction shall be exempt
2 except where undertaken wholly or in part on lands covered by water (unless specifically
3 exempted in this subsection); the exemptions provided by this section shall apply to all licenses
4 required to undertake the construction in question, except where a rezone or any license
5 governing emissions to the air or discharges to water is required:

6 1. The construction or designation of bus stops, loading zones, shelters, access
7 facilities and pull-out lanes for taxicabs, transit and school vehicles;

8 2. The construction and/or installation of commercial on-premises signs, and
9 public signs and signals;

10 3. The construction or installation of minor road and street improvements such as
11 pavement marking, freeway surveillance and control systems, railroad protective devices (not
12 including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators,
13 transportation corridor landscaping (including the application of Washington State Department of
14 Agriculture approved herbicides by licensed personnel for right-of-way weed control as long as
15 this is not within watersheds controlled for the purpose of drinking water quality in accordance
16 with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves
17 and intersections within existing rights-of-way, widening of a highway by less than a single lane
18 width where capacity is not significantly increased and no new right-of-way is required, adding
19 auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc), where capacity is
20 not significantly increased and no new right-of-way is required, channelization and elimination of
21 sight restrictions at intersections, street lighting, guard rails and barricade installation,
22 installation of catchbasins and culverts, and reconstruction of existing roadbed (existing curb-to-
23 curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes,
24 paths and facilities, and pedestrian walks and paths, but not including additional automobile
25 lanes;

4. Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections A and B of this section, as well as fencing and the construction of small structures and minor accessory facilities;

5. Additions or modifications to or replacement of any building or facility exempted by subsections A and B of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class; except if the proposed addition or modification is to a building or facility that may meet criteria set forth in SMC 25.12 for landmark designation, the exempt class is residential structures of four (4) or fewer dwelling units and commercial structures of four thousand (4,000) or fewer square feet.

6. The demolition of any structure or facility, the construction of which would be exempted by subsections A and B of this section, except for structures or facilities with recognized historical significance; and except if the proposed demolition is to a building or facility that is not designated a landmark but may meet the criteria set forth in SMC 25.12 for landmark designation, the exempt level is residential structures of four (4) or fewer dwelling units and commercial structures of four thousand (4,000) or fewer square feet.

7. The installation of impervious underground tanks, having a capacity of ten thousand (10,000) gallons or less;

8. The vacation of streets or roads;

9. The installation of hydrological measuring devices, regardless of whether or not on lands covered by water;

10. The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

1 H. Open Burning. Open(~~ing~~) burning and the issuance of any license for open burning
2 shall be exempt. The adoption of plans, programs, objectives or regulations by any agency
3 incorporating general standards respecting open burning shall not be exempt.

4 ***

5 Section 5. Section 25.05.908 of the Seattle Municipal Code, which Section was last
6 amended by Ordinance 119096, is amended as follows:

7 **25.05.908 Environmentally critical areas.**

8 A. ~~((The))~~ Pursuant to WAC 197-11-908 and 197-11-305 (1) (a), proposals identified in
9 subsection (C) and located within the following environmentally critical areas ~~((located in the~~
10 ~~City and regulated and mapped in of SMC Chapter 25.09, Regulations for Environmentally~~
11 ~~Critical Areas, and other City codes are subject to the provisions of this chapter:))~~ are not
12 categorically exempt from review under this chapter.

13 1. Landslide-prone areas, including, but not limited to, known landslide areas,
14 potential landslide areas, and steep slopes of forty (40) percent average slope or greater;

15 ~~((2.))~~ ~~((Riparian corridors))~~

16 ~~((3.))~~ 2. Wetlands; and

17 ~~((4.))~~ 3. Fish and wildlife habitat conservation areas.

18 ~~((Within these areas, certain categorically exempt activities listed in Section 25.05.908 C~~
19 ~~could have a significant adverse environmental impact, require additional environmental review~~
20 ~~to determine impacts, and may require mitigation beyond the development standards required by~~
21 ~~all applicable City codes:))~~

1 B. The scope of environmental review of ~~((actions))~~ proposals within these
2 environmental critical areas ~~((shall be))~~ is limited to:

3 1. Documenting whether the proposal is consistent with The City of Seattle
4 Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and

5 2. Evaluating potentially significant impacts on the environmentally critical area
6 resources not adequately addressed in The City of Seattle Environmentally Critical Areas
7 Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical
8 Areas, including ~~((in))~~ any additional mitigation measures needed to protect the environmentally
9 critical areas in order to achieve ~~((consistency))~~ consistency with SEPA and other applicable
10 environmental review laws.
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14 D. The Official Land Use Map of The City of Seattle contains overlays identifying the
15 general boundaries of all known environmentally critical areas within the city, which reference
16 The City of Seattle's Environmentally Critical Areas Maps to determine the general boundaries
17 of each environmentally critical area. The Environmentally Critical Areas Maps specify those
18 designated areas which are subject to SEPA pursuant to WAC ~~((25.05.908))~~ 197-11-908. A copy
19 of the maps shall be maintained in the SEPA Public Information Center.
20

21 The maps shall be used and amended as follows:

22 1. The maps ~~((shall be))~~ are advisory and used by the Director of ~~((DCLU))~~ DPD
23 to provide guidance in determining applicability of SEPA to a property. If the Director of DPD
24 determines that a proposal is located in an area that has been incorrectly mapped as an
25



1 environmentally critical area, then the Director shall apply SEPA in the same manner as would
2 be applied in areas that are not environmentally critical. ((Likewise, environmentally critical
3 areas which are incorrectly mapped may be exempted from SEPA by the Director of DCLU when
4 the provisions of subsection D of Section 25.09.040 of the regulations for environmentally
5 critical areas apply.))

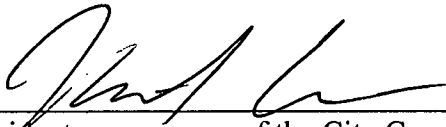
6
7 2. The boundaries and contents of these designated environmentally critical areas
8 maps may be amended by the Director following the environmentally critical areas maps
9 amendment process as set forth in subsection C of Section 25.09.020 of the regulations for
10 environmentally critical areas.

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13 Section 6. The provisions of this ordinance are declared to be separate and severable.
14 The invalidity of any particular provision shall not affect the validity of any other provision.

15 Section 7. Sections 1 through 6 (()) of this ordinance shall take effect and be in force
16 thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the
17 Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code
18 Section 1.04.020. (())
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1 Passed by the City Council the 21st day of April, 2008, and signed by me in open
2 session in authentication of its passage this 21st day of April, 2008.

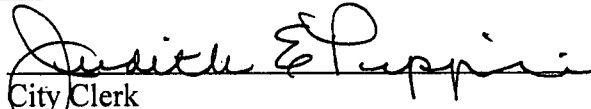
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4 
5 President _____ of the City Council

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7 Approved by me this _____ day of _____, 2008.

8 **Returned Unsigned**
9 **by Mayor**

10 _____
Gregory J. Nickels, Mayor

11 Filed by me this 30th day of April @
12 1st day of May, 2008.

13 
14 City Clerk

15 (Seal)
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Returned Unsigned
by Mayor

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Planning and Development	Gordon Clowers/684-8375	Karen Grove/684-5805

Legislation Title:

An ordinance related to land use and zoning, amending Sections 23.41.004, 23.54.015, 23.76.012, 25.05.800, 25.05.908 and 25.08.425 of the Seattle Municipal Code (SMC) and adding a new section 23.42.044, to change environmental review thresholds for minor new construction, expressed as categorical exemptions in Seattle's SEPA ordinance, amending related Land Use Code and other provisions pertaining to design review, construction-related noise, construction worker parking, notice requirements, and correcting errors and omissions.

- **Summary of the Legislation:** The recommendations would increase the threshold levels that determine which development proposals require environmental review. These thresholds are part of the "categorical exemptions" contained in SMC 25.05.800. The recommendations set those thresholds differently according to location outside of or within a designated Urban Center, Urban Village, or Station Area Overlay District (higher thresholds within those designated areas). Some proposed development would therefore be able to forego environmental review while continuing to undergo other required reviews. This also applies to some situations where a use is changing within an existing structure and with expansions in uses.
- **Background:** The recommended actions will adjust the environmental review thresholds in ways that will eliminate unnecessary reviews, where environmental impacts are unlikely to occur. Environmental review can be a significant cause of delay in permitting that directly leads to higher costs for businesses and housing. The City's planning policies encourage more efficient review processes and consistency with growth management objectives for efficient growth patterns.

Review of permitting data and consultation with senior DPD staff indicate that the reduced volume of environmental reviews (roughly 40 fewer reviews per year) would not have financial implications. Compared to permitting volumes (over 1,000 Master Use Permits in 2006), this reduction in reviews would be minor. Any time freed up by less review time spent on one proposal would be taken up by other billable review time for required reviews on other proposals.

- *Please check one of the following:*

☒ **This legislation does not have any financial implications.**

Attachment 1: Director's Report and Recommendation

INTRODUCTION

The Department of Planning and Development (DPD) proposes to raise SEPA thresholds to better align SEPA (State Environmental Policy Act) requirements with the City's Comprehensive Plan growth policies, as contemplated by the State Growth Management Act, and to acknowledge the increasing capability of new and existing City ordinances to address the potential impacts of development, once solely the purview of SEPA.

Generally, SEPA thresholds are based on the number of residential dwelling units or the amount of non-residential floor area proposed within a structure. Development thresholds for environmental review are proposed to be increased the greatest within Urban Centers and Urban Villages (see tables in Proposed Threshold Changes section later in this report). While residential thresholds vary among zones and other locational factors, non-residential thresholds in most zones would be raised to 12,000 square feet. The proposed changes will help to streamline permit review for many proposed developments contemplated under existing zoning, and reduce barriers that add delay, cost and risks to the development of new housing and businesses.

The proposal is intended to strike a balance between allowing development that can reasonably be expected to contribute to the City's growth management goals under zoning and development control ordinances in place, and where new development may result in localized impacts that were not contemplated by current ordinances and may result in adverse environmental impacts on surrounding properties.

- The proposal supports affordable housing and small businesses' ability to remain viable while adapting to changing market conditions.
- The City's Land Use Code more effectively anticipates and addresses the impacts of new development.
- Other ordinances and programs provide effective environmental protections that were previously only addressed through SEPA, including the following:
 - Seattle's Comprehensive Plan
 - Design Review
 - Environmental Critical Areas regulations
 - Stormwater, Grading and Drainage Ordinance
 - Noise Code
 - Right-of-Way Improvement Manual
 - Energy Code
 - Building Code
 - Historic Preservation Ordinance

In addition, work is underway on the following:

- New Shoreline Master Program and regulations, including a habitat mitigation program
- Transportation impact mitigation payment programs
- Stronger sidewalk improvement requirements

Updates to DPD's Director's Rule 15-2007 to incorporate changes in thresholds are also addressed in this proposal. This Director's Rule specifies when environmental review is needed in certain circumstances, such as changing from one land use to another in an existing structure.

Environmental review will continue to be required for proposals above the thresholds, proposals affecting environmentally critical areas, rezone proposals, and when a proposal requires a license governing discharges to water, or emissions to the air. Environmentally critical areas (ECAs) are addressed in Seattle Municipal Code (SMC) 25.05.305 and 25.05.908, as well as the ECA rules in SMC 25.09.

Currently, Design Review and SEPA thresholds are the same. Design Review thresholds are proposed to remain unchanged. Design Review is a public process intended to improve the relationship of new development to surroundings. The Design Review process provides an effective and flexible process for addressing the impact of bulk, scale and design of new development, which previously had been addressed only through SEPA. Design Review will continue to provide for public participation in the development review process and will help mitigate many impacts of new development on the urban environment.

Not surprisingly, environmental review requirements generate contrasting public opinions about SEPA, most notably among proponents of business and development, and those who must coexist with the development or business activity. Typically, business owners and development applicants emphasize the effort and time involved in satisfying regulatory requirements.

Neighborhood and resident perspectives typically support protection against traffic, parking, noise and/or aesthetic impacts such as lesser architectural quality and loss of views, and may be concerned about natural features such as slopes, streams, and wetlands.

Both perspectives are based on credible concerns about the way in which environmental issues and government regulation of new development intersect with other widely-supported public objectives related to housing, economic growth, and the City's character and livability. The challenge is to set thresholds that support growth management objectives and development that is consistent with zoning and other regulatory requirements, while maintaining SEPA's important role in providing protections against the unanticipated localized consequences of new development.

BACKGROUND

More than a century of growth has transformed Seattle's natural environment from a forested landscape to today's cityscape. In the 1960s and 1970s, greater public awareness of human impacts on the environment led Washington State to enact laws aimed at identifying and protecting the environment. Among the most influential was the State Environmental Policy Act (SEPA), which required a public process for reviewing new development in order to inform the public and decisionmakers about the potential environmental impacts that could result from development and measures to mitigate those impacts. Washington first adopted SEPA in 1971 as a regulatory framework to address environmental issues in decisionmaking. Subsequently, the State provided SEPA rules in Chapter 197-11 of the Washington Administrative Code (WAC). The SEPA process is intended to provide information about the environmental implications of decisions to agencies, applicants, decisionmakers and the public.

SEPA review became an important tool for mitigating environmental impacts when local regulations were deemed inadequate to specifically address many of the issues raised by new development particularly with regard to height, bulk and scale, transportation, parking, and impacts on sensitive natural systems or natural hazard areas. SEPA was a safety net against the unintended or unanticipated consequences of development as cities and counties began to address the long-range impacts of unrestrained growth on

existing systems and people. Over time, Seattle has employed many new tools to address the impacts of growth. These tools range from design review to address the effects new development has on the City's character, to regulations that protect important natural resources like wildlife habitat and shorelines. Seattle has also implemented measures to prevent damage from geo-technical and drainage-related hazards.

Growth management legislation in the 1990s prioritized growth in concentrated urban centers, and in order to facilitate desired growth patterns and infill development in urban areas, State agencies encouraged greater efficiency in SEPA review. To that end, in 2003 the State adopted HB 1707 (see RCW 43.21C.229), which allows jurisdictions to raise SEPA residential thresholds to encourage infill development in urban areas. State legislators recognized the importance of SEPA reform when they adopted HB 1707 in 2003. This bill authorized cities and counties to create new higher categorical exemptions from SEPA review for residential or mixed-use "infill" development in urban growth areas. This evolution in State policy encourages growth management objectives that also have environmental benefits like reducing the pressure for sprawl.

Seattle's SEPA process is integrated with the Master Use Permit review process for individual development proposals. "Environmental impacts" encompass natural environment concerns as well as "built environment" issues such as land use compatibility, transportation and utilities. Impacts may be short-term (due to construction activities) or long-term (due to the operation or activities of a proposed use). Project-specific SEPA review most often results in a Determination of Non-Significance (DNS), meaning there is no need for an Environmental Impact Statement (EIS). Often, the analyst concludes that compliance with the City's wide range of requirements, such as grading and drainage rules, means that significant adverse impacts can be avoided. If adverse impacts of a proposal are identified, SEPA review allows for targeted mitigation through substantive conditioning of new development (in addition to other City requirements) to avoid or reduce those impacts. In this way, SEPA is a "safety net" that aids in preserving environmental quality when other codes and ordinances don't provide the desired level of protection. Where adverse impacts are identified as probable and significant, an environmental impact statement (EIS) is required.

SEPA review also can occur at a "programmatic" level, to assess the environmental implications of broader actions that are not associated with a single development proposal, such as adoption of plans or regulations. These reviews assess the potential impacts of policy or regulatory decisions on neighborhoods or areas of a city. Effective reviews of plans, policies and regulations for environmental impacts may lessen the need for later project-specific SEPA review.

Most SEPA decisions are subject to a 14- to 21-day comment and appeal period. If an appeal is filed, the City's Hearing Examiner must schedule a hearing. Proponents of development often criticize the SEPA process because of costly delays related to the length of the review period and the uncertainty of the appeal process. However, others view SEPA and the appeal process as an opportunity for influencing the outcome of the development review process.

SEPA Thresholds

SEPA thresholds vary according to types of use (residential, commercial, industrial) and zoning designation. In certain zones, higher thresholds reflect the greater development intensity of the zone and the higher level of activity anticipated before which adverse environmental impacts may warrant mitigation. For example, residential thresholds are currently 20 dwelling units in the Midrise, Highrise and Downtown zones, while in Lowrise multifamily zones the thresholds are between 4 and 8 dwelling units. Commercial thresholds are similarly highest in the general, auto-oriented Commercial zones (C1 and C2) and in Industrial zones, where 12,000 square feet of non-residential floor area is the threshold. In

pedestrian-oriented Neighborhood Commercial zones (NC1, 2, 3) and Downtown zones, the threshold is 4,000 square feet.

PROPOSED THRESHOLD CHANGES

Proposed changes to SEPA thresholds vary according to zones and their location inside or outside of Urban Centers and Urban Villages (see centers and villages on the attached map). This approach is consistent with the City's growth management strategy that directs new growth to Urban Centers and Urban Villages.

Existing and Proposed Residential SEPA Thresholds (Dwelling Units)

Zones	Existing Thresholds	Proposed Thresholds		
		Outside of Urban Villages & Centers	Within Urban Villages	Within Urban Centers and SAOD*
Single Family, RSL	4	4	4	4
LDT	4	6	6	6
Lowrise 1, 2, 3 & 4	4, 6, 8			
Neighborhood Commercial 1, 2 & 3	4	10	20	30
Commercial 1 & 2	4			
Midrise, Highrise, Seattle Mixed	20	20	30	30
Downtown zones	20	NA	80	80
Industrial	4	4	4	4

Notes: RSL = Residential Small Lot. LDT = Lowrise Duplex Triplex. "Lowrise" refers to multifamily zones. *Thresholds for all zones in designated light rail station area overlay districts ("SAOD") would be the same as for Urban Centers.

Existing and Proposed Non-Residential Thresholds Where Proposed for Changes (Square Feet)

Zones	Existing Thresholds	Proposed Thresholds		
		Outside of Urban Villages & Centers	Within Urban Villages	Within Urban Centers and SAOD*
Neighborhood Commercial 1	4,000	8,000	12,000	12,000
Neighborhood Commercial 2 & 3	4,000	12,000	12,000	12,000
Downtown zones	4,000	NA	12,000	12,000
Midrise, Highrise	4,000	12,000	12,000	12,000

*SAOD = Station Area Overlay Districts

Residential Thresholds

The proposal raises SEPA thresholds for residential development in Lowrise multifamily zones, Commercial (C), Neighborhood Commercial (NC) and Downtown zones that together comprise areas where the majority of multifamily development in the city occurs. SEPA thresholds are proposed to be set at 30, 20 and 10 dwelling units in those zones within Urban Centers, Urban Villages, and areas outside of centers and villages, respectively. Downtown, the proposed residential threshold is 80 dwelling units. Thresholds for other lower-density zones including Single Family zones are left at their existing level of 4 dwelling units, and are similarly unchanged in Industrial zones where housing is not generally allowed.



Urban Centers: The proposed residential threshold of 30 dwelling units applies within the South Lake Union, Uptown, First Hill/Capitol Hill, University District and Northgate Urban Centers, and is 80 dwelling units within the Downtown Urban Center.

In the Station Area Overlay Districts, including those at South Henderson St., South Othello St. and South McClellan St., the residential threshold would be 30 dwelling units, equivalent to proposed thresholds for Urban Centers, to encourage growth within walking distance of light rail stations.

Urban Villages: The proposed residential threshold is 20 dwelling units for most zones within Urban Villages (except Single Family and similarly low-density zones).

Areas Outside of Urban Centers and Villages: The proposed residential thresholds for the Lowrise, Commercial and NC zones outside of Urban Centers and Villages would be set at 10 dwelling units. This would increase thresholds modestly above the current 4, 6 and 8-unit levels in areas where multifamily development will occur over time.

Non-Residential Thresholds

Urban Centers and Villages: Non-residential thresholds are proposed to be raised from 4,000 square feet to 12,000 square feet for NC zones, Downtown zones, Midrise and Highrise zones, and within Station Area Overlay Districts. For other zones, including Single Family and Lowrise zones, which may have incidental or nonconforming commercial development, existing SEPA thresholds would be retained.

Areas Outside of Urban Centers and Villages: The thresholds for non-residential uses outside of Urban Centers and Villages are proposed to be set at 8,000 square feet in NC1 zones and 12,000 square feet in NC2, NC3, Midrise and Highrise zones. These changes would exempt relatively small commercial uses, and some expansions or conversions from one business to another (e.g., changes in land use), from SEPA review.

Parking Thresholds

The SEPA parking threshold is proposed to be raised from 20 parking stalls to 40 parking stalls. This threshold applies to accessory parking as well as principal-use parking facilities, either on open lots or in structures. The new threshold will be proportional to increases in the other SEPA review thresholds, and is set to avoid unintended circumstances where SEPA review for a project might otherwise occur only due to the amount of parking, or because a few additional spaces are proposed to be added that cause a use to exceed the parking threshold for the first time.

Grading Thresholds

The SEPA grading threshold of 500 cubic yards is not proposed to change. State law does not authorize higher grading thresholds than 500 cubic yards.

Public Notice Maintained

For the category of projects directly affected by this SEPA threshold proposal, notice to the public would continue to be provided in the form of a placard sign (or larger sign if design review is required) posted at the property.

OTHER REGULATIONS THAT SUPPORT ENVIRONMENTAL PROTECTION

As noted previously, numerous development regulations provide environmental protections, many of which were not in existence at the time SEPA was first implemented. As these development regulations and processes for addressing issues have become part of the overall development review process, SEPA becomes less necessary. It was intended that SEPA provide a safety net to address issues unanticipated by development regulations. As these issues have become familiar, so too have the improved regulatory mechanisms for resolving them. The following are examples of ways in which the review of new development better and more specifically addresses the issues raised by such development:

Historic Referrals: SEPA thresholds have served as a means to determine whether a development application is referred to the Department of Neighborhoods (DON) for evaluation of a site's potential for historic landmark status. As part of the proposal, DPD will update administrative agreements between DPD and DON that would maintain the current thresholds for historic referrals in all zones, regardless of increases in SEPA thresholds. This means that proposals exceeding 4 dwelling units in several zones, and exceeding 4,000 square feet for commercial uses in several zones (including Downtown) will continue to be considered for historic referrals, when existing structures are greater than 50 years old, public comment suggests that the building is historic, or a historic building survey or inventory identifies the building. Within historic districts such as Pioneer Square, historic resources will continue to be analyzed and regulated as dictated by the special review district regulations and DON policies and procedures. This strategy will continue to fully protect historic resources and potential historic resources in these areas even with increases in the SEPA thresholds.

Design Review: Design Review thresholds are proposed to remain unchanged. Design Review is intended to alleviate potential impacts that buildings may have on their immediate surroundings, and supersedes SEPA authority on land use and building height, bulk and scale impacts.

Environmentally Critical Areas (ECAs). The proposed threshold changes would not change the City's rules regarding environmental review for sites within designated environmentally critical areas. When environmentally critical areas (including steep slopes, landslide-prone areas, streams, wetlands and fish/wildlife habitat) are present on a development site, there is often the potential for adverse environmental impacts. SEPA review will continue to be required for development proposals occurring within these critical areas, in addition to the City's ECA regulations, SMC Chapter 25.09.

Shorelines, Stormwater and Drainage: The Stormwater, Grading and Drainage code and Shoreline Master Program are two examples of other policies and regulations that will continue to apply to development, providing enhanced environmental protection and confidence that significant adverse impacts are avoided.

Director's Rule 15-2007. This rule interprets the way SEPA is applied to various types of permit applications, including additions and alterations of existing structures and above ground storage tanks. The rule clarifies that SEPA review is required for many expansions or changes in land use. Examples include expansions of business establishments that may generate increased traffic impacts in a neighborhood. In order to maintain safeguards that allow for mitigation of potential adverse impacts in such situations, DPD proposes to update this Director's Rule to reflect any changes to thresholds.

Street Use Regulations. For building construction projects, these regulations require provision of safe pedestrian routes at the property edge, controlled truck access points, proper flagging and signage, time-of-day truck traffic controls and routing restrictions on construction-related trucks. They also require street use permits when right-of-way space needs to be used for construction-related activities.

Noise Ordinance. The City's noise ordinance defines the permissible levels of noise during daytime and night-time hours, including time limits on noisy construction operations. The proposal includes an amendment to the noise ordinance establishing an earlier weekday and weekend evening time limit on noisy construction operations in certain zones.

RELATIONSHIP TO COMPREHENSIVE PLAN POLICIES

Seattle's Comprehensive Plan is a 20-year plan establishing a growth management strategy relying upon Urban Centers and Villages to accommodate future growth in a manner that sustains local values. Concentrated growth in Urban Centers and Urban Villages is meant to maintain and enhance Seattle's character, promote compact, pedestrian oriented development, accommodate additional housing, and provide a more environmentally sustainable land use pattern. It is also intended to minimize growth-related impacts that would otherwise occur through sprawling urban development elsewhere in the region.

The proposal to realign SEPA thresholds to reinforce the Comprehensive Plan's growth strategy is a rare opportunity to significantly improve the relationship between growth management efforts and land use review processes. The current thresholds are not well coordinated within Urban Centers and Villages, with some of the lowest thresholds for review applying in these areas, including Downtown. The proposed SEPA thresholds would be systematically tied to preferred growth areas in the city, an approach that would be more complementary with the Comprehensive Plan and growth management policy.

The proposed thresholds will provide additional incentive for growth within the Urban Centers and Urban Villages. This would benefit the further evolution of Urban Centers and Urban Villages toward the type of character envisioned in the Comprehensive Plan. This should benefit efforts to maintain Seattle's diverse and unique character in lower-density neighborhoods.

Reducing regulatory obstacles and redundant reviews is a common strategy to aid housing affordability that is represented in the Comprehensive Plan:

Housing Element

- Policy H6: *"In order to control the effects of regulatory processes on housing price, strive to minimize the time taken to process land use and building permits, subject to the need to review projects in accordance with applicable regulations. Continue to give priority in the plan review process to permits for very low-income housing."*
- Policy H7: *"Periodically assess the effects of City policies and regulations on housing development costs and overall housing affordability, considering the balance between housing affordability and other objectives such as environmental quality, urban design quality, maintenance of neighborhood character and protection of public health, safety and welfare."*

Two other economic development policies support regulatory reform in relation to businesses, developers and the environment.

Economic Development

- Policy ED 31: *"Support regulatory reform in order to strike a balance between the financial impacts of regulation on businesses and developers, and maintaining an appropriate level of safeguards for the environment and worker safety, consistent with the goals and policies of this plan."*

- Policy ED 32: *“For regulatory activities that affect land development, consider ways to achieve greater predictability and efficiency in the review of permit applications, consistent with the goals and policies of this plan.”*

ANALYSIS

The proposed SEPA thresholds are based on analysis of how development is occurring, how it relates to the urban environment and how the City exercises its legal authority to mitigate impacts. The logical threshold levels are those above which City policies assert that new development could result in probable significant adverse impacts on the environment—where an environmental review is therefore necessary and where the City should retain its impact-mitigating authority not already embodied in other regulations.

In over twenty years since SEPA thresholds were set, much has changed: in the breadth of City regulations, in growth trends, in public opinions about growth, and in the City’s growth management strategy. Yet SEPA thresholds have remained the same, artificially low for several zones in ways that are contrary to the intent of the City’s Comprehensive Plan growth management strategies.

DPD analyzed development trends between 1995 and 2004 and reviewed case studies of representative development in different zones. This analysis, in addition to conversations with the public, including design and development professionals, at forums and focus groups, support the following conclusions about the proposal to change SEPA thresholds:

- New thresholds would better relate to the preferred urban center and urban village growth strategy;
- Projects below the proposed thresholds are not likely to result in significant adverse impacts to the environment (given the scale of these projects, the level of development in the affected areas, and protections afforded by other regulatory provisions);
- Projects above proposed thresholds will undergo SEPA review where development is more likely to contrast in scale with the prevailing neighborhood development pattern and is more likely to result in significant impacts;
- City authority is maintained to mitigate the impacts of new development where it is likely needed while reducing impediments to the development of needed housing and small businesses.

Residential Thresholds

Development trends demonstrate that urban centers and urban villages are attracting more development at increasing density. For example, since 1995 about 22,600 new residential units have been added inside urban centers and villages compared to 8,900 new units added in other parts of the city. Densities inside most urban centers and urban villages (at 16 and 9 units per gross acre respectively) are already higher than other non-center/village areas (at 4 units per gross acre), and are progressively gaining density as infill growth occurs. Increased development density in centers and villages supports the restructuring of SEPA thresholds, to acknowledge locations where existing development is of a scale and intensity that is less likely to be impacted as readily as locations outside of these centers and villages.

The data gathered on development from 1995-2004 suggest two kinds of patterns in development size:

- For Lowrise multifamily zones outside urban centers and urban villages, “smaller” development tends to average in the 1 to 8 dwelling unit size; and

- For the Neighborhood Commercial, Commercial and Downtown zones within urban centers and urban villages, “larger” development tends to average well above 20 dwelling units in size.

Research confirms that SEPA mitigation is rarely necessary for smaller residential projects. SEPA review is somewhat more likely to be necessary to mitigate for the impacts of larger projects (above 20 dwelling units). Similarly, mitigation addressing construction activities (such as additional controls on truck movements) was rare in small projects, but more frequent in larger projects, typically when projects occurred along arterials or in busier districts. This supports setting lower thresholds for areas outside urban centers and urban villages generally ranging from 4 to 10 units, and at the higher 20+ unit levels in urban villages and urban centers.

By addressing routine concerns for smaller projects, such as noise or other construction related complaints, including codifying common mitigation measures, DPD would retain the authority to address neighborhood concerns related to construction of small projects (see *Common Mitigation* below). In neighborhoods that are already densely developed, new development at comparatively larger scale and density can be accommodated without experiencing the potential adverse impacts that might be anticipated from similarly scaled development in lower-density neighborhoods.

Urban Villages, Centers and Beyond. Urban centers, such as Capitol Hill, are more densely developed with zoning that envisions an even greater scale and density of development over time, and have greater access to transit service (which reduces average daily automobile trips) and goods and services to support a higher population density. These factors suggest a lesser degree of sensitivity to new development and fewer potential adverse environmental impacts for infill development in a range of up to 30 dwelling units in the urban centers.

In contrast, Urban Villages are somewhat less dense than Urban Centers, and at least moderately more sensitive to new development, given greater proximity to lower-density residential zones, and somewhat lesser transit availability. In urban villages, the recommendation is to establish a SEPA threshold of up to 20 dwelling units.

The Downtown Urban Center has the highest development density in the city. Its existing character and development patterns, availability of transit, and the most extensive and the most well-connected utility infrastructure of any area distinguishes Downtown from other parts of the city. Downtown can support development at higher densities with less risk of significant environmental impacts that are not otherwise addressed by existing development control ordinances. Research shows that a significant portion of development in the 20-80 dwelling unit range were constructed for affordable and subsidized forms of housing, a type less likely to generate traffic trips, the most common environmental impact. Therefore, the recommendation is to set the highest SEPA threshold in the city of 80 dwelling units.

Other areas outside of urban centers and villages are more likely to be lower-density multifamily or neighborhood commercial zones in close proximity or adjacent to single-family areas. These areas also have less frequent transit service than villages or centers. Some of these areas also may face progressive infill as development occurs via several projects over a period of years. Thus, these are contexts that are more sensitive to changes from new development than villages or centers. The proposed threshold is set proportionally lower in these areas.

Non-Residential Thresholds

As with residential thresholds, the proposed non-residential thresholds for SEPA review update the low existing threshold for Downtown zones, and reflect the relative difference in impact potential between

development proposed in smaller neighborhood-serving business districts and those in areas that accommodate businesses that draw from the city or region.

Outside of Downtown, and within Seattle's neighborhood commercial areas, development data from 1995-2004 indicate a wide variety of neighborhood-serving commercial uses occurred either in new structures or by locating in existing structures. These included relatively small and specialized businesses, typically fitting in with the prevailing pattern of pedestrian-oriented shopping districts and located within moderately scaled mixed-use buildings. Other permits in these areas were for relatively small additions to existing structures, added parking or other facilities or equipment improvements. About 40% of the permits were for "smaller" spaces, less than one thousand square feet up to approximately 9,000 square feet in size. The proposed thresholds would exempt several of these actions from SEPA review. Approximately 43% of permits were for a clearly "larger" size category—above 18,000 square feet in size—typically involving many kinds of uses ranging from offices and retail to other commercial uses that tend to be larger traffic generators. Given that traffic congestion is the most common environmental issue, the potential for traffic generation is one of the most influential factors in setting the proposed thresholds.

Standard traffic generation data based on actual buildings built in the past decade help illustrate the relative traffic impacts of new office development below and above the proposed thresholds:

- An office building of up to the proposed SEPA threshold of 12,000 square feet, could generate approximately 90-100 vehicle trips daily, including about 15 trips occurring during each of the peak rush hour periods.
- An office building at 30,000 square feet could generate approximately 225-250 vehicle trips daily and around 40 trips during each of the peak rush hours.

In most Seattle neighborhoods, traffic volumes generated by a 12,000 square foot office use are relatively unlikely to generate significant impacts at any given location or to result in a mitigating action (such as traffic signal or lane adjustments). However, the range of uses just above 12,000 square feet does include development types that are more intensive traffic generators, such as retail shopping. For example, the construction of several in-city chain drug stores during the last decade ranged from around 12,000 to 16,000 square feet. With the potential for these kinds of higher traffic generating uses in the range just above 12,000 square feet, the threshold is proposed to be set at that level in most zones. However, in NC1 zones, reflecting the smaller-scale of typical NC1 zoned areas, the proposed threshold is 8,000 square feet.

As the center city grows, the customer base for businesses Downtown will increasingly be from additional center city residents and employees, meaning a lesser proportional generation of automobile traffic by new customers. Combined with the typical rationale for environmental impact evaluation, as well as the City's priorities for citywide growth management, the proposed non-residential SEPA threshold in Downtown is 12,000 square feet, consistent with other urban centers.

As with the residential thresholds, the proposed non-residential thresholds represent a reasonable division between the smaller and larger developments—which will continue to require review for the larger projects with potential for significant impacts.

Parking Thresholds

The proposed parking threshold of 40 stalls is a proportionally increased threshold that will avoid unnecessary SEPA reviews that might arise only due to parking quantity in new development. With residential thresholds reaching above 20 dwelling units, the existing 20 stall parking threshold would otherwise represent an overly restrictive threshold. Small businesses will benefit from the increased

parking threshold because there would be fewer instances of exceeding the parking threshold for the first time when adding a few parking spaces—a situation that automatically triggers SEPA review regardless of how many parking spaces are added. For example, adding two spaces to a parking lot that already has 18 spaces currently must undergo SEPA review.

Effect of Proposed Threshold Changes on the Number of Development Projects Subject to SEPA
Analysis of Master Use Permit data indicates there were approximately 817 residential or mixed-use development proposals and approximately 1,440 commercial proposals subject to SEPA review between 1995 and 2004. The mix of project types and characteristics in this ten-year sample provides a reasonable estimation of probable future development patterns. If applied to this ten-year set of development data, the proposed thresholds would have reduced the number of permit applications subject to SEPA review by about 40% for residential and mixed-use projects, and 5% for solely non-residential projects. The results are summarized below.

Research also indicates that zones such as Lowrise 3 and Neighborhood Commercial 2 and 3 zones, typically in Urban Centers and Villages, would be the most common locations for newly exempted projects. Outside of Urban Centers and Villages, the Lowrise 1 (L1) zones would be the most common locations for newly exempted projects.

Reduction in SEPA Review Volume

	Average Number of SEPA reviews per year, 1995-2004	Number of SEPA reviews no longer necessary using Proposed Thresholds
Residential/mixed-use:	82 per year	Approximately 33 per year
Commercial-only:	144 per year	Approximately 7-8 per year

Common SEPA Mitigation

Many regulations are already in place to provide environmental protection, as mentioned earlier in this report. In two instances, amendments are proposed in tandem with raising SEPA thresholds to maintain the strength of regulatory oversight and authority to mitigate impacts. These two amendments are based on commonly applied SEPA mitigation. A review of more than 130 SEPA decisions illustrates how impact mitigation measures are typically incorporated into City decisions. Only rarely are other mitigations required for site-specific environmental impacts, especially for residential developments ranging from 1 to about 18-20 dwelling units in size. The data demonstrate that three types of mitigation measures were by far the most prevalent:

- Time restrictions on construction activity to control noise in residential areas;
- A reminder to obtain a Puget Sound Clean Air Agency demolition-related air quality permit; and
- Addressing details about construction vehicles' access and parking-related issues.

A closer review of these measures has shown that some of these common mitigations actually refer to existing City or other agency regulations that will continue to be enforced whether or not they are listed as "SEPA mitigation." This includes the air quality permit reminder and commonly listed details about ensuring pedestrian routes around construction sites, ensuring construction vehicles use arterial streets (e.g. truck routing), definition of site access points, minimizing or preventing truck access during peak traffic hours, and requiring flagging. These typical measures help ensure that a project proponent is

aware of their responsibilities, but because they are regulations contained in existing street use regulations, they do not need to be listed as SEPA mitigation measures.

The other noise-related restrictions on construction times and the limitations related to where construction workers can park their vehicles are proposed to be incorporated into City codes:

- **Noise Ordinance Amendment** – amends the current construction period allowance of 7:00 AM to 10:00 PM to set an earlier 8 PM weekday and weekend time limit on noisy construction in the Single Family, Residential Small Lot, Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones, when residential uses are nearby (within 100 feet of the site).
- **Land Use Code (23.42) Amendment** - maintains the authority to require measures that direct workers to park on the construction site as soon as possible. For construction worker parking, the most common mitigation is to have workers park their vehicles on the construction site “as soon as possible” (e.g., when on-site space is available, or when garages or other parking areas are built).

These amendments are included in the ordinance that accompanies this report.

CONCLUSIONS AND RECOMMENDATION

The proposal will achieve a long-delayed update to the City’s SEPA rules in a manner encouraged by State SEPA rules and Growth Management Act; and several public policy objectives:

- Better align SEPA thresholds with the City’s comprehensive plan growth policies, encouraging more efficient growth and greater vitality in urban centers and villages;
- Improve efficiency in review processes and thereby reduce cost, risks and delays in permitting new housing and small businesses;
- Continue to require SEPA review where there is potential for significant adverse environmental impacts; and
- Maintain effective protections by codifying typical mitigation measures into codes.

Urban Centers, Urban Villages, and Manufacturing / Industrial Centers





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 21, 2007

Honorable Nick Licata
President
Seattle City Council
City Hall, 2nd Floor

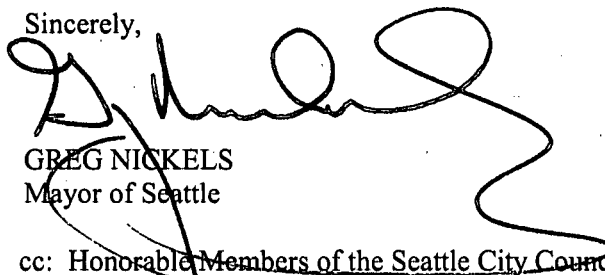
Dear Council President Licata:

I am pleased to transmit the attached proposed Council Bill that updates the State Environmental Policy Act (SEPA) environmental review thresholds contained in Seattle Municipal Code Section 25.05.800. The Bill also includes Land Use Code revisions that will effectively address typical problems related to parking and noise brought about by construction in residential neighborhoods, thereby replacing routine SEPA mitigation. This legislation will align SEPA review thresholds with the City's Comprehensive Plan growth policies, and will better support affordable housing production and small businesses' ability to grow in Seattle.

In the nearly twenty years since these environmental review thresholds were last evaluated, Seattle has transformed its growth policies and development review processes. The City's Comprehensive Plan, with its Urban Centers and Villages theme, encourages smart growth patterns that aid neighborhood vitality. The City's Design Review program and Neighborhood Design Guidelines have led to improved compatibility of new buildings within their neighborhoods. Also, the City has dramatically improved its protection of environmentally critical areas and its stormwater and grading controls. These innovations diminish the need for certain environmental review, particularly for small-scale development. It is now appropriate to adjust the environmental review thresholds, consistent with state growth management law, so they do not continue to create barriers to small business and increase the cost of new housing, especially in Seattle's Urban Centers and Villages where most of the city's growth is encouraged.

Thank you for your consideration of this legislation. Should you have questions, please contact Gordon Clowers at 684-8375.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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ORDINANCE _____

AN ORDINANCE related to land use and zoning, amending Sections 23.41.004, 23.54.015, 23.76.012, 25.05.800, 25.05.908 and 25.08.425 of the Seattle Municipal Code (SMC) and adding a new section 23.42.044, to change environmental review thresholds for minor new construction, expressed as categorical exemptions in Seattle's SEPA ordinance, amending related Land Use Code and other provisions pertaining to design review, construction-related noise, construction worker parking, notice requirements, and correcting errors and omissions.

WHEREAS, many of the City of Seattle's environmental policies and procedures are codified in Seattle's SEPA ordinance, SMC Chapter 25.05; and

WHEREAS, SMC 25.05 is a primary basis for environmental review conducted by the City of Seattle; and

WHEREAS, the City of Seattle's thresholds for environmental review of residential and commercial development have not been reviewed for nearly 20 years; and

WHEREAS, the City of Seattle's Comprehensive Plan directs a majority of future growth to specified Urban Centers and Urban Villages as part of a regional growth management strategy; and

WHEREAS, promoting affordable housing and small business growth are priorities for the City of Seattle; and

WHEREAS, the State of Washington in RCW 43.21C.229 encourages infill residential and mixed-use growth in urban growth areas, and authorizes increases in certain SEPA thresholds for categorical exemptions in order to encourage such growth; and

WHEREAS, the City of Seattle is located in an urban growth area and the City's current density and intensity of use is lower than called for in the City's Comprehensive Plan; and

WHEREAS, the City of Seattle has implemented programs such as Design Review, and adopted other development regulations such as the Environmentally Critical Areas Ordinance, which collectively provide for protection of the natural and built environment, and mitigation of many types of environmental impacts; and

WHEREAS, the Council finds that the amendments contained in this ordinance will protect and promote the health, safety and welfare of the general public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.41.004 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 122054, is amended as follows:

23.41.004 Applicability.

A. Design Review Required.

1. Design review is required for any new multifamily or commercial proposal ~~((structure))~~ that exceeds ~~((SEPA))~~ one of the following thresholds: ~~((if the structure:))~~

~~((a. — Is located in one (1) of the following zones:))~~

<u>Zone</u>	<u>Threshold</u>
((i)) <u>a. Lowrise (L3, L4)</u> ((;))	<u>8 dwelling units</u>
((ii)) <u>b. Midrise (MR)</u> ((;))	<u>20 dwelling units</u>
((iii)) <u>c. Highrise (HR)</u> ((;))	<u>20 dwelling units</u>
((iv)) <u>d. Neighborhood Commercial (NC1, 2, 3)</u> ((;))	<u>4 dwelling units or 4,000 square feet of nonresidential gross floor area</u>
<u>e. Commercial (C1, C2)</u>	<u>4 dwelling units or 12,000 square feet of nonresidential gross floor area, when located in an urban center or urban village¹, or on a lot that abuts or is across a street or alley from a lot zoned single family, or located in the area bounded by: NE 93th St, NE 145th St, 15th Ave. NE and Lake Washington.</u>
((v)) <u>f. Seattle Mixed (SM)</u> ((; or))	<u>20 units or 12,000 square feet of nonresidential gross floor area</u> ((; or))
((vi)) <u>g. Industrial Commercial (IC) zone within the South Lake Union Urban Center</u> ((; or))	<u>12,000 square feet of nonresidential gross floor area</u> ((; or))

1. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

~~((b. Is located in a Commercial (C1 or C2) zone, and:~~

~~((i.)) The proposed structure is located within an urban village area identified in the Seattle Comprehensive Plan, or~~

~~((ii.)) The site of the proposed structure abuts or is directly across a street or alley from any lot zoned single family, or~~

~~((iii.)) The proposed structure is located in the area bounded by NE 95th Street on the south, NE 145th Street on the north, 15th Ave NE on the west, and Lake Washington on the east.))~~

2. Design review is required for all new Major Institution structures that exceed ((SEPA)) thresholds in the zones listed in subsection A1 of this section, unless the structure is located within a Major Institution Overlay (MIO) district.

3. ~~((Downtown d))~~ Design review is required for all new structures located in the following Downtown zones and that equal or exceed any of the following thresholds:

DOC 1, DOC 2 or DMC Zones

Use	Threshold
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

DRC, DMR, DH1 or DH2

Use	Threshold
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

1 4. Design review is required for all new structures exceeding one hundred and
2 twenty (120) feet in width on any single street frontage in the Stadium Transition Area Overlay
3 District as shown in Exhibit 23.41.006 A.

4 5. Administrative Design Review to Protect Trees. As provided in Sections
5 25.11.070 and 25.11.080, administrative design review (Section 23.41.016) is required for new
6 multifamily and commercial structures in Lowrise, Midrise, and commercial zones when an
7 exceptional tree, as defined in Section 25.11.020, is located on the site, if design review would
8 not otherwise be required by this subsection A.
9

10 6. New multifamily or commercial structures in the zones listed in subsection A1
11 of this section, that are subject to SEPA solely as a result of the provisions of Section 25.05.908,
12 Environmentally Critical Areas, are exempt from design review except as set forth in subsection
13 A5 of this section.
14

15 B. Design Review -- Optional.

16 1. Design review is optional to any applicant for new multifamily, commercial or
17 Major Institution structures not otherwise subject to this chapter, in the Stadium Transition Area
18 Overlay District and in all multifamily, commercial or downtown zones.
19

20 2. An administrative design review process is an option to an applicant for new
21 multifamily((s)) or commercial structures, ~~((if the structure would not exceed SEPA thresholds))~~
22 or as provided in subsection B3 below, in the Stadium Transition Area Overlay District and in
23 multifamily, commercial or downtown zones, according to the process described in Section
24 23.41.016.
25
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3. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, an administrative design review process (Section 23.41.016) is an option to an applicant for new multifamily and commercial structures in Lowrise, Midrise, and Commercial zones to protect a tree over two (2) feet in diameter measured four and one-half (4 1/2) feet above the ground, even when ((the project exceeds SEPA thresholds but)) design review would not otherwise be required by subsection A, above.

Section 2. A new Section 23.42.044 of the Seattle Municipal Code, is hereby adopted to read as follows:

23.42.044 Construction-Related Parking.

A. When reviewing permit applications under this Code, the Director may require the applicant to avoid or mitigate potential parking impacts caused by construction activity and temporary construction-worker parking. Mitigation may include, but is not limited to, requiring parking for construction workers to be located on the construction site.

B. Temporary parking facilities provided for construction workers are exempt from the parking requirements of the underlying zone and the parking requirements of SMC 23.54.

C. Temporary parking provided for construction workers must be terminated or removed when construction is completed.

Section 3. Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.76.012 Notice of Application.

A. Notice.

1. Type I Notification. No notice ~~((shall be))~~ is required for Type I decisions, except that if a proposal for a Type I decision exceeds four dwelling units or 4,000 square feet of non-residential floor area and is not otherwise subject to the notice requirements for environmental review or design review pursuant to subsection B, then placards shall be posted in locations that are clearly visible from adjacent streets or sidewalks.

2. Type II and III Notification. When a Master Use Permit application requiring a Type II or III decision is submitted, the Director shall provide notice of application and an opportunity for public comment as described in this section. Notice of application for Type II and III decisions shall be provided within fourteen (14) days after a determination of completeness.

a. Other Agencies with Jurisdiction. To the extent known by the Director, other agencies of local, state or federal governments that may have jurisdiction over some aspect of the project shall be sent notice.

b. Early Review Determination of Nonsignificance (DNS). In addition to the requirement under subsection A2a above, a copy of the early review DNS notice of application and environmental checklist shall also be sent to the following:

- (1) State Department of Ecology;
- (2) Affected Tribes;
- (3) Each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

(4) Anyone requesting a copy of this information.

B. Types of Notice Required.

1. For projects subject to environmental review, or design review, except administrative design review, the department shall direct the installation of an environmental review sign on the site, unless an exemption or alternative posting as set forth in this subsection is applicable. The environmental review sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall be removed at the direction of the department after final City action on the application has been completed.

a. In the case of submerged land, the environmental review sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection B1c.

b. Projects limited to interior remodeling, or which are subject to environmental review only because of location over water or location in an environmentally critical area, are exempt from the environmental review sign requirement.

c. When use of an environmental review sign is neither feasible nor practicable to assure that notice is clearly visible to the public, the Director shall post ten (10) placards within three hundred (300) feet of the site and at the closest street intersections when one (1) or more of the following conditions exist:

(1) The project site is over five (5) acres;

(2) The applicant is not the property owner, and the property owner does not consent to the proposal;

(3) The site is subject to physical characteristics such as steep slopes or is located such that the environmental review sign would not be highly visible to neighboring residents and property owners or interested citizens.

d. The Director may require both an environmental review sign and the alternative posting measures described in subsection B1c, or may require that more than one (1) environmental review sign be posted, when necessary to assure that notice is clearly visible to the public.

2. For projects that are categorically exempt from environmental review, the department shall post one (1) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director may post more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public. The land use sign may be removed by the applicant within fourteen (14) days after final action on the application has been completed.

3. For all projects requiring notice of application, the Director shall provide notice in the Land Use Information Bulletin. For projects subject to the environmental review, notice in the Land Use Information Bulletin shall be published after installation of the environmental review sign. The requirement to provide notice in the Land Use Information Bulletin does not apply to Type I decisions for which a placard notice is required under subsection A1 of this section.

1 4. In addition, for variances, administrative conditional uses, temporary uses for
2 more than four (4) weeks, shoreline variances, shoreline conditional uses, short plats, early
3 design guidance process, School Use Advisory Committee (SUAC) formation and school
4 development standard departure, the Director shall provide mailed notice.

5
6 5. Mailed notice of application for a project subject to design review or
7 administrative design review shall be provided to all persons establishing themselves as parties
8 of record by attending an early design guidance public meeting for the project or by
9 corresponding with the Department about the proposed project before the date of publication.
10

11 6. Additional notice for subdivisions shall include mailed notice and publication
12 in at least one (1) community newspaper in the area affected by the subdivision.
13

14 C. Contents of Notice.

15 1. The City's official notice of application shall be the notice placed in the Land
16 Use Information Bulletin, which shall include the following required elements as specified in
17 RCW 36.70B.110;
18

19 a. Date of application, date of notice of completion for the application, and
20 the date of the notice of application;

21 b. A description of the proposed project action and a list of the project
22 permits included in the application and, if applicable, a list of any studies requested by the
23 Director;
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1 c. The identification of other permits not included in the application to the
2 extent known by the Director;

3 d. The identification of existing environmental documents that evaluate
4 the proposed project, and the location where the application and any studies can be reviewed;

5 e. A statement of the public comment period and the right of any person to
6 comment on the application, request an extension of the comment period((;)) if applicable,
7 receive notice of and participate in any hearings, and request a copy of the decision once made,
8 and a statement of any administrative appeal rights;

9 f. The date, time, place and type of hearing, if applicable and if scheduled
10 at the date of notice of the application;

11 g. A statement of the preliminary determination, if one has been made at
12 the time of notice, of those development regulations that will be used for project mitigation and
13 the proposed project's consistency with development regulations;

14 h. Any other information determined appropriate by the Director; and

15 i. The following additional information when the early review DNS
16 process is used;

17 (1) A statement that the early review DNS process is being used
18 and the Director expects to issue a DNS for the proposal,

19 (2) A statement that this is the only opportunity to comment on the
20 environmental impacts of the proposal,

(3) A statement that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared, and

(4) A statement that a copy of the subsequent threshold determination for the proposal may be obtained upon request.

2. All other additional forms of notice, including, but not limited to environmental review and land use signs, placards and mailed notice, shall include the following information: the project description, location of the project, date of application, location where the complete application file may be reviewed, and a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection D of this section. The Director may, but need not, include other information to the extent known at the time of notice of application. Except for the environmental review sign requirement, each notice shall also include a list of the land use decisions sought. The Director shall specify detailed requirements for environmental review and land use signs.

Section 4. Subsection A of section 23.54.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 122311, is amended as follows:

23.54.015 Required Parking.

A. Minimum parking requirements. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Chart A for nonresidential uses other than

1 institutional uses, Chart B for residential uses, and Chart C for institutional uses, except as
2 otherwise provided in this Section and Section 23.54.020. The minimum parking requirements
3 are based upon gross floor area of a use within a structure and the square footage of a use when
4 located outside of an enclosed structure, or as otherwise specified. Exceptions to the parking
5 requirements set forth in this section are provided in subsection B and in Section 23.54.020,
6 Parking quantity exceptions, unless otherwise specified. This chapter does not apply to parking
7 for construction activity, which is regulated by SMC 23.42.044.
8

9 ***

10 Section 5. Section 25.05.800 of the Seattle Municipal Code, which Section was last
11 amended by Ordinance 119096, is amended as follows:
12

13 **25.05.800 Categorical exemptions.**

14 The proposed actions contained in this subchapter are categorically exempt from
15 threshold determination and EIS requirements, subject to the rules and limitations on categorical
16 exemptions contained in Section 25.05.305.
17

18 **A. Minor New Construction -- Flexible Thresholds.**

19 1. The exemptions in this subsection apply to all licenses required to undertake
20 the construction in question, except when a rezone or any license governing emissions to the air
21 or discharges to water is required. To be exempt under this section, the project must be equal to
22 or smaller than the exempt level. For a specific proposal, the exempt level in subsection A2 of
23 this section shall control. If the proposal is located in more than one (1) city/county, the lower of
24 the agencies' adopted levels shall control, regardless of which agency is the lead agency.
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2. The following types of construction ~~((shall be))~~ are exempt, except when undertaken wholly or partly on lands covered by water or unless undertaken in environmentally critical areas (Section 25.05.908):

a. The construction or location of residential structures containing no more than the number of dwelling units listed in the table below, for the applicable zones and locations: ~~((of four (4) or fewer dwelling units, in all Single Family zones, Residential Small Lot (RSL), Lowrise Duplex/Triplex (LDT), Lowrise One (L1) and all Commercial zones; six (6) or fewer units in Lowrise Two (L2) zones; eight (8) or fewer units in Lowrise Three (L3) and Lowrise Four (L4) zones; and twenty (20) or fewer units in Midrise (MR), Highrise (HR), Seattle Cascade Mixed (SCM) and all Downtown zones;))~~

<u>ZONE</u>	<u>RESIDENTIAL USES</u>		
	<u>Number of Dwelling Units Exempt</u>		
	<u>Outside of Urban Centers, Villages</u>	<u>Within Urban Villages</u>	<u>Within Urban Centers and SAOD</u>
<u>SF, RSL</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>LDT</u>	<u>6</u>	<u>6</u>	<u>6</u>
<u>L1, L2, L3, L4, NC1, NC2, NC3, C1, C2</u>	<u>10</u>	<u>20</u>	<u>30</u>
<u>MR, HR, SM</u>	<u>20</u>	<u>30</u>	<u>30</u>
<u>Downtown zones</u>	<u>NA</u>	<u>80</u>	<u>80</u>
<u>Industrial zones</u>	<u>4</u>	<u>4</u>	<u>4</u>

Notes: SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ten thousand (10,000) square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption ~~((shall))~~ does not apply to feed lots;

c. The construction of ~~((the following))~~ office, school, commercial, recreational, service or storage buildings, containing no more than the gross floor area listed in the table below, for the applicable zones and locations:

<u>ZONE</u>	<u>NON-RESIDENTIAL USES</u>	
	<u>Exempt Area of Use</u> <u>(square feet of gross floor area)</u>	
	<u>Outside of Urban Centers, Villages</u>	<u>Within Urban Centers, Urban Villages and SAOD</u>
<u>SF, RSL, LDT, D1, L2, L3, L4</u>	<u>4,000</u>	<u>4,000</u>
<u>NC1</u>	<u>8,000</u>	<u>12,000</u>
<u>NC2, NC3, C1, C2, MR, HR, SM, Industrial zones</u>	<u>12,000</u>	<u>12,000</u>
<u>Downtown zones</u>	<u>NA</u>	<u>12,000</u>

Notes: SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

((i. In Commercial One (C1), Commercial Two (C2), Seattle Cascade Mixed (SCM), and Industrial zones, buildings with twelve thousand (12,000) square feet of gross floor area, and with associated parking facilities designed for twenty (20) automobiles;))

((ii. In all other zones, buildings with four thousand (4,000) square feet of gross floor area, and with associated parking facilities designed for twenty (20) automobiles;))

d. The construction of a parking lot designed for ~~((twenty (20)))~~ forty (40) or fewer automobiles, as well as the addition of ~~((twenty (20)))~~ spaces to existing lots up to a total of forty (40) spaces ~~((if the addition does not remove the lot from an exempt class));~~

1 e. Any landfill or excavation of five hundred (500) cubic yards or less
2 throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a
3 Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder;

4 f. Mixed-use construction, including but not limited to projects combining
5 residential and commercial uses, is exempt if each use, when considered separately, is exempt
6 under the criteria of subsections A2a through A2d above, unless the uses in combination may
7 have a probable significant adverse environmental impact in the judgment of an agency with
8 jurisdiction (see Section 25.05.305 A2b);

9 g. In zones not specifically ~~((mentioned))~~ identified in this subsection,
10 ~~((the construction of residential structures of four (4) or fewer dwelling units and commercial~~
11 ~~structures of four thousand (4,000) or fewer square feet))~~ the standards for the most similar zone
12 addressed by this subsection apply.
13

14 ***

15 H. Open Burning. Open~~((ing))~~ burning and the issuance of any license for open burning
16 shall be exempt. The adoption of plans, programs, objectives or regulations by any agency
17 incorporating general standards respecting open burning shall not be exempt.
18

19 ***

20 Section 6. Section 25.05.908 of the Seattle Municipal Code, which Section was last
21 amended by Ordinance 119096, is amended as follows:
22

23 **25.05.908 Environmentally critical areas.**
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1 A. ~~((The))~~ Pursuant to WAC 197-11-908 and 197-11-305 (1) (a), proposals identified in
2 subsection (C) and located within the following environmentally critical areas ~~((located in the~~
3 ~~City and regulated and mapped in of SMC Chapter 25.09, Regulations for Environmentally~~
4 ~~Critical Areas, and other City codes are subject to the provisions of this chapter:))~~ are not
5 categorically exempt from review under this chapter.

6
7 1. Landslide-prone areas, including, but not limited to, known landslide areas,
8 potential landslide areas, and steep slopes of forty (40) percent average slope or greater;

9 ~~((2.))~~ ~~((Riparian corridors))~~

10 ~~((3.))~~ 2. Wetlands; and

11 ~~((4.))~~ 3. Fish and wildlife habitat conservation areas.

12
13 ~~((Within these areas, certain categorically exempt activities listed in Section 25.05.908 C~~
14 ~~could have a significant adverse environmental impact, require additional environmental review~~
15 ~~to determine impacts, and may require mitigation beyond the development standards required by~~
16 ~~all applicable City codes.))~~

17
18 B. The scope of environmental review of ~~((actions))~~ proposals within these
19 environmental critical areas ~~((shall be))~~ is limited to:

20 1. Documenting whether the proposal is consistent with The City of Seattle
21 Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and

22 2. Evaluating potentially significant impacts on the environmentally critical area
23 resources not adequately addressed in The City of Seattle Environmentally Critical Areas
24 Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical
25

Areas, including ~~((the))~~ any additional mitigation measures needed to protect the environmentally critical areas, in order to achieve ~~((consistency))~~ consistency with SEPA and other applicable environmental review laws.

D. The Official Land Use Map of The City of Seattle contains overlays identifying the general boundaries of all known environmentally critical areas within the city, which reference The City of Seattle's Environmentally Critical Areas Maps to determine the general boundaries of each environmentally critical area. The Environmentally Critical Areas Maps specify those designated areas which are subject to SEPA pursuant to WAC ~~((25.05.908))~~ 197-11-908. A copy of the maps shall be maintained in the SEPA Public Information Center.

The maps shall be used and amended as follows:

1. The maps ~~((shall be))~~ are advisory and used by the Director of ~~((DCLU))~~ DPD to provide guidance in determining applicability of SEPA to a property. If the Director of DPD determines that a proposal is located in an area that has been incorrectly mapped as an environmentally critical area, then the Director shall apply SEPA in the same manner as would be applied in areas that are not environmentally critical. ~~((Likewise, environmentally critical areas which are incorrectly mapped may be exempted from SEPA by the Director of DCLU when the provisions of subsection D of Section 25.09.040 of the regulations for environmentally critical areas apply.))~~

2. The boundaries and contents of these designated environmentally critical areas maps may be amended by the Director following the environmentally critical areas maps amendment process as set forth in subsection C of Section 25.09.020 of the regulations for environmentally critical areas.

Section 7. Section 25.08.425 of the Seattle Municipal Code, which Section was last amended by Ordinance 115041, is amended as follows

25.08.425 Sounds created by ((C))construction and maintenance equipment ((operations)).

A. The ((maximum)) permissible exterior sound levels established by Sections 25.08.410 and 25.08.420, as measured from the real property of another person or at a distance of fifty (50) feet from the construction or maintenance equipment making the sound, whichever is greater, may be exceeded by sounds from construction or maintenance equipment during the following times:

1. Within Single Family, Residential Small Lot, Downrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones, between seven (7:00) a.m. and eight (8:00) p.m. on weekdays and between nine (9:00) a.m. and eight (8:00) p.m. on weekends and legal holidays, provided that if no property in residential use exists within 100 feet of the property generating the sound, or if the equipment is being used for a public project, then between seven (7:00) a.m. and ten (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends and legal holidays.

2. Within all other zones, between seven (7:00) a.m. and ten (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends and legal holidays.

3. The permissible exterior sound levels, as measured from the real property of another person or at a distance of fifty (50) feet from the construction or maintenance equipment, whichever is greater, may be exceeded ((between the hours of seven (7:00) a.m. and ten (10:00) p.m. on weekdays and between the hours of nine (9:00) a.m. and ten (10:00) p.m. on weekends)) by no more than the following dB(A)'s for the following types of equipment:

((1-))a. Twenty-five (25) dB(A) for equipment on construction sites, including but not limited to crawlers, tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors, compressors, and pneumatic-powered equipment;

((2-))b. Twenty (20) dB(A) for portable powered equipment used in temporary locations in support of construction activities or used in the maintenance of public facilities, including but not limited to chainsaws, log chippers, lawn and garden maintenance equipment, and powered hand tools; or

((3-))c. Fifteen (15) dB(A) for powered equipment used in temporary or periodic maintenance or repair of the grounds and appurtenances of residential property, including but not limited to lawnmowers, powered hand tools, snow-removal equipment, and composters.

1 B. Sounds created by impact types of ~~((construction))~~ equipment, including but not
2 limited to pavement breakers, piledrivers, jackhammers, sandblasting tools, or by other types of
3 equipment ~~((or devices which))~~ that create impulse ~~((noise))~~ sound or impact ~~((noise))~~ sound or are
4 used as impact equipment, as measured at the property line or fifty (50) feet from the equipment,
5 whichever is greater, may exceed the maximum permissible sound levels established in
6 subsection A of this section in any one (1) hour period between the hours of eight (8:00) a.m.
7 and five (5:00) p.m. on weekdays and nine (9:00) a.m. and five (5:00) p.m. on weekends and
8 legal holidays, but in no event may the sound level ~~((to))~~ exceed the following:

- 10 1. ~~((Leq))~~ Leq ninety (90) dB(A) continuously;
- 11 2. ~~((Leq))~~ Leq ninety-three (93) dB(A) for thirty (30) minutes;
- 12 3. ~~((Leq))~~ Leq ninety-six (96) dB(A) for fifteen (15) minutes; or
- 13 4. ~~((Leq))~~ Leq ninety-nine (99) dB(A) for seven and one-half (7-1/2) minutes;

15 provided that sound levels in excess of ~~((Leq))~~ Leq ninety-nine (99) dB(A) are prohibited unless
16 authorized by variance obtained from the Administrator; and provided further that sources
17 producing sound levels less than ninety (90) dB(A) shall comply with subsection A of this
18 section during those hours not covered by this subsection B.

19 ~~((a-))~~ C. The standard of measurement shall be a one (1) hour ~~((Leq))~~ Leq. ~~((Leq))~~ Leq
20 may be measured for times not less than one (1) minute to project an hourly ~~((Leq))~~ Leq.
21 Reference to one (1) hour is for measurement purposes only and shall not be construed as
22 limiting construction or maintenance to a one (1) hour period.
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1 ~~D. ((b. These))~~ The permissible exterior sound levels set in subsections A and B shall be
2 reviewed periodically by the City to assure that the permissible exterior sound levels ((level
3 limits)) are technically feasible.

4 ((C.)) E. Construction ((activity)) or maintenance equipment that exceeds the
5 ((maximum)) permissible exterior sound levels established by Section 25.08.410, when measured
6 from the interior of buildings within a commercial district, is prohibited between the hours of
7 eight (8:00) a.m. and five (5:00) p.m. For purposes of this subsection((C)), interior sound levels
8 shall be measured only after every reasonable effort, including but not limited to closing
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windows and doors, is taken to reduce the impact of the exterior construction noise.

Section 8. The provisions of this ordinance are declared to be separate and severable.
The invalidity of any particular provision shall not affect the validity of any other provision.

Section 9. Sections 1 through 6 and section 8 of this ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020. Section 7 of this ordinance shall take effect upon approval of the Washington State Department of Ecology pursuant to WAC 173-60-030 and WAC 173-60-110.

Passed by the City Council the ____ day of ____, 2007, and signed by me in open session in authentication of its passage this ____ day of ____, 2007.

President ____ of the City Council

Approved by me this ____ day of ____, 2007.

Gregory J. Nickels, Mayor

Filed by me this ____ day of ____, 2007.

City Clerk

(Seal)

STATE OF WASHINGTON – KING COUNTY

--SS.

223945
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

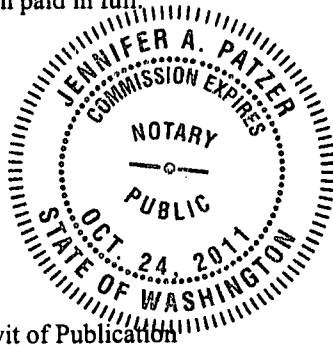
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 122670

was published on

05/07/08

The amount of the fee charged for the foregoing publication is the sum of \$ 837.38, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

05/07/08

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 122670

An ordinance related to land use and zoning, amending Sections 23.41.004, 23.54.015, 23.76.012, 25.05.800, 25.05.908 and 25.08.425 of the Seattle Municipal Code (SMC) and adding a new section 23.42.044, to change environmental review thresholds for minor new construction, expressed as categorical exemptions in Seattle's SEPA ordinance, amending related Land Use Code and other provisions pertaining to design review, construction-related noise, construction worker parking, notice requirements, and correcting errors and omissions.

WHEREAS, many of the City of Seattle's environmental policies and procedures are codified in Seattle's SEPA ordinance, SMC Chapter 25.05; and

WHEREAS, SMC 25.05 is a primary basis for environmental review conducted by the City of Seattle; and

WHEREAS, the City of Seattle's thresholds for environmental review of residential and commercial development have not been reviewed for nearly 20 years; and

WHEREAS, the City of Seattle's Comprehensive Plan directs a majority of future growth to specified Urban Centers and Urban Villages as part of a regional growth management strategy; and

WHEREAS, promoting affordable housing and small business growth are priorities for the City of Seattle; and

WHEREAS, the State of Washington in RCW 43.21C.229 encourages infill residential and mixed-use growth in urban growth areas, and authorizes increases in certain SEPA thresholds for categorical exemptions in order to encourage such growth; and

WHEREAS, the City of Seattle is located in an urban growth area and the City's current density and intensity of use is lower than called for in the City's Comprehensive Plan; and

WHEREAS, the City of Seattle has implemented programs such as Design Review, and adopted other development regulations such as the Environmentally Critical Areas Ordinance, which collectively provide for protection of the natural and built environment, and mitigation of many types of environmental impacts; and

WHEREAS, the Council finds that the amendments contained in this ordinance will protect and promote the health, safety and welfare of the general public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.41.004 of the Seattle Municipal Code (SMC), which Section was last amended by Ordinance 122054, is amended as follows:

23.41.004 Applicability.

A. Design Review Required.

1. Design review is required for any new multifamily or commercial development proposal ((structure)) that exceeds ((SEPA)) one of the following thresholds: ((if the structure))

((a)) Is located in one ((i)) of the following zones:

Zone -- Threshold

((b))a. Lowrise (L3, L4)((i)) -- 8 dwelling units

((b))b. Midrise (MR)((i)) -- 20 dwelling units

((b))c. Highrise (HR)((i)) -- 20 dwelling units

((b))d. Neighborhood Commercial (NC1, 2, 3)((i)) -- 4 dwelling units or 4,000 square feet of nonresidential gross floor area

a. Commercial (C1, C2) --

4 dwelling units or 12,000 square feet of nonresidential gross floor area, when located in an urban center or urban village, or on a lot that abuts or is across a street or alley from a lot zoned single-family, or located in the area bounded by NE 96th St, NE 145th St, 15th Ave NE and Lake Washington.

((b))f. Seattle Mixed (SM) ((i)) -- 20 units or 12,000 square feet of nonresidential gross floor area ((i))

((b))g. Industrial Commercial (IC) zone within the South Lake Union Urban Center ((i)) --

12,000 square feet of nonresidential gross floor area ((i))

1. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

State of Washington, King County

((b)) Is located in a Commercial (C1 or C2) zone; and:

((i)) The proposed structure is located within an urban village area identified in the Seattle Comprehensive Plan; or

((ii)) The site of the proposed structure abuts or is directly across a street or alley from any lot zoned single-family; or

((iii)) The proposed structure is located in the area bounded by NE 96th Street on the south, NE 145th Street on the north, 15th Ave NE on the west, and Lake Washington on the east;)

2. Design review is required for all new Major Institution ((i)) development proposals that exceed ((SEPA)) thresholds in the zones listed in subsection A1 of this section, unless the structure is located within a Major Institution Overlay (MIO) district.

3. ((Downtown-d)) Design review is required for all new ((i)) development proposals located in the following Downtown zones and that equal or exceed any of the following thresholds:

DOC 1, DOC 2 or DMC Zones

Use -- Threshold

Nonresidential -- 50,000 square feet of gross floor area

Residential -- 20 dwelling units

DR, DMR, DH1 or DH2

Use -- Threshold

Nonresidential -- 20,000 square feet of gross floor area

Residential -- 20 dwelling units

4. Design review is required for all new ((i)) development proposals exceeding one hundred and twenty (120) feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Exhibit 23.41.006 A.

5. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, administrative design review (Section 23.41.016) is required for new multifamily and commercial ((i)) development proposals in Lowrise, Midrise, and commercial zones when an exceptional tree, as defined in Section 25.11.020, is located on the site, if design review would not otherwise be required by this subsection A.

6. New multifamily or commercial ((i)) development proposals in the zones listed in subsection A1 of this section, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in subsection A5 of this section.

B. Design Review -- Optional.

1. Design review is optional to any applicant for new multifamily, commercial or Major Institution ((i)) development proposals not otherwise subject to this chapter, in the Stadium Transition Area Overlay District and in all multifamily, commercial or downtown zones.

2. An administrative design review process is an option to an applicant for new multifamily ((i)) or commercial ((i)) development proposals, ((if the structure would not exceed SEPA thresholds)) or as provided in subsection B3 below, in the Stadium Transition Area Overlay District and in multifamily, commercial or downtown zones, according to the process described in Section 23.41.016.

3. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, an administrative design review process (Section 23.41.016) is an option to an applicant for new multifamily and commercial ((i)) development proposals in Lowrise, Midrise, and Commercial zones to protect a tree over two (2) feet in diameter measured four and one-half (4 1/2) feet above the ground, even when ((the project exceeds SEPA thresholds but)) design review would not otherwise be required by subsection A, above.

Section 2. A new Section 23.42.044 of the Seattle Municipal Code, is hereby adopted to read as follows:

23.42.044 Construction-Related Parking.

A. When reviewing permit applications under this Code, the Director may require the applicant to avoid or mitigate potential parking impacts caused by construction activity and temporary construction-worker parking. Mitigation may include, but is not limited to, requiring parking for construction workers to be located on the construction site.

B. Temporary parking facilities provided for construction workers are exempt from the parking requirements of the underlying zone and the parking requirements of SMC 23.54.

C. Temporary parking provided for construction workers must be terminated or removed when construction is completed.

Section 3. Subsection A of section 23.54.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 122311, is amended as follows:

23.54.015 Required Parking.

A. Minimum parking requirements. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Chart A for nonresidential uses other than institutional uses, Chart B for residential uses, and Chart C for institutional uses, except as otherwise provided in this Section and Section 23.54.020. The minimum parking requirements are based upon gross floor area of a use within a structure and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Exceptions to the parking requirements set forth in this section are provided in subsection B and in Section 23.54.020. Parking quantity exceptions, unless otherwise specified. This chapter does not apply to parking for construction activity, which is regulated by SMC 23.42.044.

Section 4. Section 25.05.800 of the Seattle Municipal Code, which Section was last amended by Ordinance 119098, is amended as follows:

25.05.800 Categorical exemptions. The proposed actions contained in this subchapter are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.805.

A. Minor New Construction -- Flexible Thresholds.

1. The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezoning or any license governing emissions to the air or discharges to water is required. To be exempt under this section, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection A2 of this section shall control. If the proposal is located in more than one ((1)) city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

2. The following types of construction ((shall be)) are exempt, except when undertaken wholly or partly on lands covered by water or unless undertaken in environmentally critical areas (Section 25.05.908):

a. The construction or location of residential structures containing no more than the number of dwelling units identified in part ((i)), except as modified by the provisions of part ((ii)). ((of four)) or fewer dwelling units in all Single-Family zones; Residential Small Lot (RSL); Lowrise Duplex/Triplex (LDT); Lowrise One (L1) and all Commercial zones; six ((6)) or fewer units in Lowrise Two (L2) zones; eight ((8)) or fewer units in Lowrise Three (L3) and Lowrise Four (L4) zones; and twenty ((20)) or fewer units in Midrise (MR); Highrise (HR); Seattle Cascade Mixed (SCM) and all Downtown zones;))

(i) Table

ZONE --

RESIDENTIAL USES

Number of Dwelling Units Exempt

Outside of Urban Centers

Within Urban Centers or SAOD

SE RSL -- 4 -- 4

LDT -- 4 -- 8

L1 -- 4 -- 30

L2 -- 8 -- 30

L3, L4 -- 8 -- 30

NC1, NC2, NC3, C1, C2 -- 4 -- 30

MR, HR, SM -- 20 -- 30

Downtown zones -- NA -- 30

Industrial zones -- 4 -- 4

Notes: SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

((ii)) For lots located in an Urban Center or a SAOD, if the proposed construction or location is on a lot in an LDT, L1 or L2 zone, and if the lot abuts any portion of another lot that is zoned SF or RSL, or is across an alley of any width from a lot that is zoned SF or RSL, or is across a street from a lot zoned SF or RSL where that street does not meet minimum width requirements in SMC 23.53.015A, then the level of exempt construction is 4 dwelling units for lots in an LDT or L1 zone, and 8 dwelling units for lots in an L2 zone.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ten thousand (10,000) square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption ((shall)) does not apply to feed lots;

c. The construction of ((the following)) office, school, commercial, recreational, service or storage buildings, containing no more than the gross floor area listed in the table below:

ZONE

NON-RESIDENTIAL USES

Exempt Area of Use

(square feet of gross floor area)

Outside of Urban Centers

Within Urban Centers or SAOD

SE RSL, LDT, L1, L2, L3, L4 -- 4,000 -- 4,000

MR, HR, NC1, NC2, NC3 -- 4,000 -- 12,000

C1, C2, SM, Industrial zones -- 12,000 -- 12,000

Downtown zones -- NA -- 12,000

Notes: SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

((i) In Commercial One (C1), Commercial Two (C2), Seattle Cascade Mixed (SCM), and Industrial zones, buildings with twelve thousand (12,000) square feet of gross floor area; and with associated parking facilities designed for twenty (20) automobiles;))

((ii) In all other zones, buildings with four thousand (4,000) square feet of gross floor area; and with associated parking facilities designed for twenty (20) automobiles;))

d. The construction of a parking lot designed for ((twenty (20))) forty (40) or fewer automobiles, as well as the addition of ((twenty (20))) spaces to existing lots up to a total of forty (40) spaces ((if the addition does not remove the lot from an exempt class));

e Any landfill or excavation of five hundred (500) cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder;

f. Mixed-use construction, including but not limited to projects combining residential and commercial uses, is exempt if each use, when considered separately, is exempt under the criteria of subsections A2a through A2d above, unless the uses in combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see Section 25.05.305 A2b);

g. In zones not specifically ((mentioned)) identified in this subsection, ((the construction of residential structures of four (4) or fewer dwelling units and commercial structures of four thousand (4,000) or fewer square feet)) the standards for the most similar zone addressed by this subsection apply.

B. Other Minor New Construction. The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezoning or any license governing emissions to the air or discharges to water is required:

1. The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles;

2. The construction and/or installation of commercial on-premises signs, and public signs and signals;

3. The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington State Department of Agriculture approved herbicides by licensed personnel for right-of-way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 246-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights-of-way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right-of-way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc), where capacity is not significantly increased and no new right-of-way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catchbasins and culverts, and reconstruction of existing roadbed (excluding curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes;

4. Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections A and B of this section, as well as fencing and the construction of small structures and minor accessory facilities;

5. Additions or modifications to or replacement of any building or facility exempted by subsections A and B of this section when such addition, modification or replacement will not

change the character of the building or facility in a way that would remove it from an exempt class; except if the proposed addition or modification is to a building or facility that may meet criteria set forth in SMC 25.12 for landmark designation, the exempt class is residential structures of four (4) or fewer dwelling units and commercial structures of four thousand (4,000) or fewer square feet.

6. The demolition of any structure or facility, the construction of which would be exempted by subsections A and B of this section, except for structures or facilities with recognized historical significance; and except if the proposed demolition is to a building or facility that is not designated a landmark but may meet the criteria set forth in SMC 25.12 for landmark designation, the exempt level is residential structures of four (4) or fewer dwelling units and commercial structures of four thousand (4,000) or fewer square feet.

7. The installation of impervious underground tanks, having a capacity of ten thousand (10,000) gallons or less;

8. The vacation of streets or roads;

9. The installation of hydrological measuring devices, regardless of whether or not on lands covered by water;

10. The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

H. Open Burning. Open((ing)) burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

Section 5. Section 25.05.908 of the Seattle Municipal Code, which Section was last amended by Ordinance 119098, is amended as follows:

25.05.908 Environmentally critical areas.

A. ((The)) Pursuant to WAC 197-11-908 and 197-11-305 (1) (a), proposals identified in subsection (C) and located within the following environmentally critical areas ((located in the City and regulated and mapped in of SMC Chapter 25.03, Regulations for Environmentally Critical Areas; and other City codes are subject to the provisions of this chapter;)) are not categorically exempt from review under this chapter.

1. Landslide-prone areas, including, but not limited to, known landslide areas, potential landslide areas, and steep slopes of forty (40) percent average slope or greater;

((2;)) ((Riparian corridors))

((3;)) 2. Wetlands; and

((4;)) 3. Fish and wildlife habitat conservation areas.

((Within these areas, certain categorically exempt activities listed in Section 25.05.908 C could have a significant adverse environmental impact, require additional environmental review to determine impacts, and may require mitigation beyond the development standards required by all applicable City codes;))

B. The scope of environmental review of ((actions)) proposals within these environmentally critical areas ((shall be)) is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and

2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09. Regulations for Environmentally Critical Areas, including ((tm)) any additional mitigation measures needed to protect the environmentally critical areas in order to achieve ((consistency)) consistency with SEPA and other applicable environmental review laws.

D. The Official Land Use Map of The City of Seattle contains overlays identifying the general boundaries of all known environmentally critical areas within the city, which reference The City of Seattle's Environmentally Critical Areas Maps to determine the general boundaries of each environmentally critical area. The Environmentally Critical Areas Maps specify those designated areas which are subject to SEPA pursuant to WAC ((25.05.908)) 197-11-908. A copy of the maps shall be maintained in the SEPA Public Information Center.

The maps shall be used and amended as follows:

1. The maps ((shall be)) are advisory and used by the Director of ((DELU)) DPD to provide guidance in determining applicability of SEPA to a property. If the Director of DPD determines that a proposal is located in an area that has been incorrectly mapped as an environmentally critical area, then the Director shall apply SEPA in the same manner as would be applied in areas that are not environmentally critical. ((Otherwise, environmentally critical areas which are incorrectly mapped may be exempted from SEPA by the Director of DELU when the provisions of subsection D of Section 25.05.946 of the regulations for environmentally critical areas apply;))

2. The boundaries and contents of these designated environmentally critical areas maps may be amended by the Director following the environmentally critical areas maps amendment process as set forth in subsection C of Section 25.09.020 of the regulations for environmentally critical areas.

Section 6. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 7. Sections 1 through 6 ((of)) of this ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020. ((of))

Passed by the City Council the 21st day of April, 2008, and signed by me in open session in authentication of its passage this 21st day of April, 2008.

NICK LICATA,

President of the City Council

Approved by me this 30th day of April, 2008.

GREGORY J. NICKELS,

Mayor.

Filed by me this 30th day of April, 2008.

(Seal) JUDITH E. PIPPEN,

City Clerk

Publication order by JUDITH PIPPEN, City Clerk.

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